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98TH CONGRESS
1ST SESSION

H. R. 2403

To protect the rights of individuals guaranteed by the Constitution of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of polygraph equipment for certain purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 1983

Mr. MCKINNEY introduced the following bill; which was referred jointly to the Committees on the Judiciary and Education and Labor

A BILL

To protect the rights of individuals guaranteed by the Constitution of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of polygraph equipment for certain purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Polygraph Control and
4 Privacy Protection Act of 1983".

5 SEC. 2. It shall be ~~unlawful for any person engaged in~~
6 ~~any private business or other private activity in or affecting~~
7 ~~interstate commerce~~, or any individual acting under the au-
8 thority of such person—

1 (1) to permit, require, or request any officer or
2 employee employed by such person or any individual
3 seeking employment in connection with such business
4 or activity to take any polygraph test in connection
5 with such officer's, employee's, or individual's services
6 or duties or in connection with such officer's, employ-
7 ee's, or individual's application or consideration for
8 employment;

9 (2) to deny employment to any individual, or to
10 discharge, discipline, or deny promotion to any officer
11 or employee employed in connection with such business
12 or activity, or to threaten any such denial, discharge,
13 or discipline by reason of such officer's, employee's, or
14 individual's refusal or failure to submit to such require-
15 ment or request; or

16 (3) to accept or use the results of any polygraph
17 test in connection with the services or duties of any of-
18 ficer or employee employed in connection with such
19 business or activity, or in connection with any individ-
20 ual's application or consideration for employment in
21 connection with such business or activity.

22 SEC. 3. (a) Whoever willfully violates or willfully at-
23 tempts to violate this Act shall be fined not more than
24 \$1,000, or imprisoned not more than one year, or both.

1 (b) Whoever violates this Act shall be subject to a civil
2 penalty, payable to the United States, of not more than
3 \$10,000.

4 SEC. 4. (a) Any individual who is or would be aggrieved
5 by a violation or threatened violation of this Act may bring a
6 civil action on such individual's own behalf, or on behalf of
7 such individual and others similarly situated, against the of-
8 fending person in the appropriate United States district court
9 and recover appropriate relief.

10 (b) With the written consent of any individual who is or
11 would be aggrieved by a violation or threatened violation of
12 this Act, any appropriate employee organization may bring
13 such a civil action on behalf of such individual, or may inter-
14 vene in any such civil action.

15 SEC. 5. As used in this Act the term—

16 (1) "polygraph test" means any examination ad-
17 ministered to an individual by mechanical, electrical, or
18 chemical means to measure or otherwise examine the
19 veracity or truthfulness of such individual; and

20 (2) "appropriate employee organization" means
21 any organization (including any brotherhood, council,
22 federation, union, or professional organization) made up
23 in whole or in part of employees and which has as a
24 purpose dealing with an employer concerning the con-
25 ditions and terms of employment of an individual

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1 against whom there is a violation or a threatened vio-
2 lation of this Act.

3 SEC. 6. This Act shall take effect thirty days after the
4 date of the enactment of this Act.

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